

**REMARKS**

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed January 3, 2006. Claims 1-14, 16-20, 22-28, 30, and 32-35 are pending in the Application. Claims 1-14, 16-20, 22-28, 30, and 32-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. (U.S. Patent No. 6,724,757). Claims 1-3, 8, 10-13, 17-20, 22, 23, 25, 30, and 33-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (U.S. Patent No. 6,591,374). Finally, Claims 1-14, 16-20, 22-28, 30, and 32-34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (U.S. Patent Publication No. 2002/0059424).

In response to these rejections, Claims 1, 4, 13, 17, 19, 23, 28, 30, and 35 have been amended to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested, without further search, in view of the following remarks.

**Rejection of Claims 1-14, 16-20, 22-28, 30, and 32-35****Under 35 U.S.C. 102(e) – Zadikian et al.:**

Claims 1-14, 16-20, 22-28, 30, and 32-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. (U.S. Patent No. 6,724,757).

While Examiner has rejected claims 1-14, 16-20, 22-28, 30, and 32-35 as being anticipated by Zadikian et al., Applicants submit that Zadikian et al. do not disclose selectively prioritizing internal and external control information on the control path resources. Applicants have amended independent Claim 1 so as to incorporate this limitation. Independent Claims 13, 17, 19, 23, 28, 30, and 35 have been similarly amended. Specifically, independent Claim 1 has been amended to recite:

1. A telecommunications network device, comprising: a plurality of distributed processors; a data path coupled to the plurality of distributed processors; and a switched control path independent from said data path coupled to the plurality of distributed processors, wherein separate control path resources are dedicated to each of the plurality of distributed processors, ***and wherein the separate control path resources prioritize internal and external control information such that the external control information is given a higher priority.***

In addition, Examiner rejects dependent Claim 4 of the Application, indicating that the limitations therein are disclosed at column 18, line 4, of Zadikian et al. Applicants respectfully disagree.

Zadikian et al. disclose Ethernet switches which are housed within the management bay.<sup>1</sup> There is nothing in the passage cited by Examiner that indicates that the Ethernet switch disclosed is used anywhere in the network device, except in its usual function of managing payload information. Applicants have amended dependent Claim 4

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<sup>1</sup> See U.S. Patent No. 6,724,757, col. 17, line 62 – col. 18, line 5.

of the Application to recite the limitation of coupling an Ethernet switch to each of the distributed processors.

In addition, Examiner rejects independent Claim 35 of the Application, indicating that the limitations therein are disclosed at column 7, lines 23-54, of Zadikian et al. Applicants respectfully disagree.

Zadikian et al. disclose a “desired quality of service” with respect to provisioning new connections at the network level.<sup>2</sup> Zadikian et al. do not disclose quality of service with respect to the control path.

In light of the amendments to the claims, and the arguments presented herein, Applicants respectfully submit that the rejection of Claims 1-14, 16-20, 22-28, 30, and 32-35 under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. has been traversed. Therefore, withdrawal of this rejection is respectfully requested.

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<sup>2</sup> See U.S. Patent No. 6,724,757, col. 7, lines 26-30.

**Rejection of Claims 1-3, 8, 10-13, 17-20, 22, 23, 25, 30, and 33-35****Under 35 U.S.C. 102(e) – Christensen et al.:**

Claims 1-3, 8, 10-13, 17-20, 22, 23, 25, 30, and 33-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (U.S. Patent No. 6,591,374).

While Examiner has rejected claims 1-3, 8, 10-13, 17-20, 22, 23, 25, 30, and 33-35 as being anticipated by Christensen et al., Applicants submit that Christensen et al. do not disclose selectively prioritizing internal and external control information on the control path resources. Applicants have amended independent Claim 1 so as to incorporate this limitation. Independent Claims 13, 17, 19, 23, 28, 30, and 35 have been similarly amended. Specifically, independent Claim 1 has been amended to recite:

1. A telecommunications network device, comprising: a plurality of distributed processors; a data path coupled to the plurality of distributed processors; and a switched control path independent from said data path coupled to the plurality of distributed processors, wherein separate control path resources are dedicated to each of the plurality of distributed processors, *and wherein the separate control path resources prioritize internal and external control information such that the external control information is given a higher priority.*

In addition, Examiner rejects dependent Claim 8 of the Application, indicating that the limitations therein are disclosed at column 4, lines 15-29, of Christensen et al. Applicants respectfully disagree.

Christensen et al. disclose the use of an ATM network, but do not disclose that an ATM network can be used as an internal out-of-band (i.e. independent from the data path) control path. The cited passage indicates only that port cards are used to exchange fast packets and/or ATM cells between one another.<sup>3</sup>

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<sup>3</sup> See U.S. Patent No. 6,591,374, col. 4, lines 17-20.

In addition, Examiner rejects independent Claim 35 of the Application, indicating that the limitations therein are disclosed at column 4, lines 41-49, of Christensen et al. Again, Applicants respectfully disagree.

Christensen et al. disclose dedicated bandwidth on the port cards by enforcing an arbitration protocol wherein the port cards are granted access to the data bus.<sup>4</sup> Christensen et al. do not disclose dedicated bandwidth on the control path.

In light of the amendments to the claims, and the arguments presented herein, Applicants respectfully submit that the rejection of claims 1-3, 8, 10-13, 17-20, 22, 23, 25, 30, and 33-35 under 35 U.S.C. 102(e) as being anticipated by Christensen et al. has been traversed. Therefore, withdrawal of this rejection is respectfully requested.

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<sup>4</sup> See U.S. Patent No. 6,591,374, col. 4, lines 29-50.

**Rejection of Claims 1-14, 16-20, 22-28, 30, and 32-34****Under 35 U.S.C. 102(e) – Ferguson et al.:**

Claims 1-14, 16-20, 22-28, 30, and 32-34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (U.S. Patent Publication No. 2002/0059424).

While Examiner has rejected Claims 1-14, 16-20, 22-28, 30, and 32-34 as being anticipated by Ferguson et al., Applicants submit that Ferguson et al. do not disclose selectively prioritizing internal and external control information on the control path resources. Applicants have amended independent Claim 1 so as to incorporate this limitation. Independent Claims 13, 17, 19, 23, 28, 30, and 35 have been similarly amended. Specifically, independent Claim 1 has been amended to recite:

1. A telecommunications network device, comprising: a plurality of distributed processors; a data path coupled to the plurality of distributed processors; and a switched control path independent from said data path coupled to the plurality of distributed processors, wherein separate control path resources are dedicated to each of the plurality of distributed processors, ***and wherein the separate control path resources prioritize internal and external control information such that the external control information is given a higher priority.***

In addition, Examiner rejects dependent Claims 4 and 8 of the Application, indicating that the limitations therein are disclosed respectively in paragraphs 45 and 72, and paragraph 52 of Ferguson et al. Again, Applicants respectfully disagree.


In light of the amendments to the claims, and the arguments presented herein, Applicants respectfully submit that the rejection of Claims 1-14, 16-20, 22-28, 30, and 32-34 under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. has been traversed. Therefore, withdrawal of this rejection is respectfully requested.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

Date: *March*  
~~February~~ 1, 2006

  
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